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### IN THE UNITED STATES DISTRICT COURT FOR THE TERRITORY OF HAWAII.

THE UNITED STATES, Plaintiff, vs. THE BOARD OF THE HAWAIIAN EVANGELICAL ASSOCIATION, et al. Defendants.

Action brought in said District Court, and the Petition filed in the office of the Clerk of said District Court, in Honolulu.

THE PRESIDENT OF THE UNITED STATES, GREETING:

THE BOARD OF THE HAWAIIAN EVANGELICAL ASSOCIATION, a corporation existing and doing business under and by virtue of the laws of the Territory of Hawaii; J. K. KIMMANT, L. L. JOSEPH, JONAH KAIWIAEA, S. K. PUPUHI and H. K. KAALAKEA, as Trustees of the KIPAHULU PROTESTANT CHURCH; THE KIPAHULU SUGAR COMPANY, a corporation existing and doing business under and by virtue of the laws of the Territory of Hawaii; KAHELE OPIO; SAM KAKAKAU; MALIA PALAPALA, widow of KANAKAAUKAI, deceased; SAM PALAPALA; KANAKAAUKAI, KANOHONAHOLE, KEALOHA NUI, ANNIE, whose full name is unknown, and MARY KUPIHEA, heirs at law of KANAKAAUKAI, deceased; DAVID BROWN, HENRY SMITH, ANE BLACK and MARTHA GREEN, unknown heirs at law of KANAKAAUKAI, deceased; DAVID KUPIHEA; H. HACKFELD and COMPANY, LIMITED, a corporation existing and doing business under and by virtue of the laws of the Territory of Hawaii; ISAAC P. HARBOTTLE; MARY K. HARBOTTLE; WILLIAM HARBOTTLE; DAVID H. HARBOTTLE; JAMES HARBOTTLE; FREDERICK KLAMP; AGNES G. KLAMP, wife of FREDERICK KLAMP; JOSEPH WHITE, WILLIAM DAVIS, HELEN JOHNSON and JULIA ROBERTS, unknown heirs at law of HALUALANI, deceased; THE TERRITORY OF HAWAII; and JAMES THOMPSON, JOHN GRAY, HENRY STONE, ELIZABETH STONE, MARY STILES and MARTHA STILES, unknown owners and claimants;

You are hereby directed to appear and answer the Petition in an action entitled as above, brought against you in the United States District Court, for the Territory of Hawaii, within twenty days from and after service upon you of a certified copy of Plaintiff's Petition herein, together with a certified copy of this Summons.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment of condemnation of the lands described in the Petition herein and for any other relief demanded in the Petition.

WITNESS THE HONORABLE SANFORD B. POLE and THE HONORABLE CHARLES F. CLEMENS, Judges of said District Court, this 30th day of June, in the year of our Lord one thousand nine hundred and eleven and of the independence of the United States the one hundred and thirty-fifth.

(Sgd) A. E. MURPHY, Clerk.

(Seal) (Endorsed)

No. 77. UNITED STATES DISTRICT COURT, for the Territory of Hawaii, THE UNITED STATES OF AMERICA vs. THE BOARD OF THE HAWAIIAN EVANGELICAL ASSOCIATION, et al. SUMMONS. ROBERT W. BRECKONS, United States Attorney.

THE UNITED STATES OF AMERICA, Territory of Hawaii, City of Honolulu, ss.

I, A. E. MURPHY, Clerk of the United States District Court for the Territory and District of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original Summons in the case of THE UNITED STATES OF AMERICA vs. THE BOARD OF THE HAWAIIAN EVANGELICAL ASSOCIATION, et al., as the same remains of record and on file in the office of the Clerk of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 29th day of June, A. D. 1911.

A. E. MURPHY,

Clerk of United States District Court, Territory of Hawaii.

By GEO. R. CLARK, Deputy Clerk.

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### ARMY AND NAVY

(Continued from page nine.)

naval service. He had no intention, he said, of withdrawing his resignation and would make no fight against those who had forced him to give up his commission, beyond laying the facts before the secretary of the navy in a personal interview.

When the liner was released from quarantine Lieutenant Charles P. Huff, U. S. N., of Yerba Buena training station, boarded the ship and handed Smith a communication from the navy department ordering him to report for temporary duty on board the Pensacola. This is taken to mean that Smith's resignation has not been acted upon and that the young officer may be dealt with as was Rear-Admiral Edward B. Barry. Barry's resignation was refused and he was dismissed from the service "for scandalous conduct."

#### Smith Hints at Scandal.

"It was a case," said Smith yesterday, "of my word against that of my brother officers. My word was not accepted and I concluded that if my word was no longer good the navy was no place for me. So I got out. If I had fought these charges I would have involved a number of officers and the name of the navy in a scandal that would have shaken the service from one end to the other. For the sake of the navy I decided to quit. I will seek a personal interview with the secretary of the navy and will tell him everything I know. I will spare nobody. It will then be up to him to take such action as he may see fit. For my part I am through."

The knowledge of Lieutenant Smith's disgrace came as a surprise to his fellow passengers with whom he had made himself very popular. On his own shoulders the trouble appeared to rest lightly and after his interview with Lieutenant Huff from whom he learned that the story of the case had been made public, Smith sat down in the dining saloon with his fellow passengers and ate a hearty breakfast.

#### Resignation Eliminates Trial.

In the navy, prior to the discovery that ended his career, Smith bore an envied name. Young and good looking he had the makings of a brilliant officer. At the naval academy, from where he was graduated with the class of '05, he stood second in his class. The promise of his midshipman days was fulfilled and when he went to the Asiatic station he was given command of the gunboat Villalobos on which he served with distinction. He was transferred recently to the flagship Saratoga.

Rear Admiral J. B. Murdock referred the charges against Smith to a board of inquiry, which decided that they were well founded. To save the navy from disgrace the young officer was allowed to resign. After he left the Orient Rear Admiral Murdock was given to understand that Smith intended withdrawing his resignation upon his arrival here. If he had done this he would have been sent back under arrest and tried by court martial.

His arrival here was reported to Washington yesterday and his case will be disposed of in a few days. Cruiser May Be Out of Commission.

VALLEJO, Sept. 19.—It may be necessary to take the cruiser Maryland out of commission for a few months at least as a result of the poor condition of her engine room. It was discovered this afternoon that the bottom bearing brasses of the main propeller shaft are defective and must be replaced before the ship can go to sea. This means a requisition to the navy department and a delicate piece of work when the orders are issued to proceed from Washington. It will be impossible for the Maryland to get away from the navy yard before Christmas and the Mare Island officials expect orders to place the cruiser in reserve.

#### Iowa to Be Used as Target.

VALLEJO, Sept. 19.—Although no definite date has been fixed when the Pacific fleet will be doubled by the addition of the cruisers Washington, Tennessee, Montana and North Carolina, the navy department and the Mare Island officials are quietly preparing for the reception of the visitors to Western waters.

Word comes from Washington that the navy department will have an augmented fleet in the Pacific station this winter and that an innovation in target practice will be introduced shortly after the war maneuvers off the Hawaiian coast are completed. The old and useless battleship Iowa, now an unimportant member of the reserve Atlantic fleet, is to be sent round the Horn and will act as a target for the cruiser guns in much the same manner as the San Marcos or old Texas served for the dreadnoughts on the Eastern coast.

Aerial Navigation Taught to Navy. VALLEJO, Sept. 19.—A school of

aerial navigation will be opened at the Mare Island navy yard, according to the present plans of the navy department. This course will be taken by every line officer attached to the Pacific fleet, and will be conducted by some of the best known aviators before the public today. The object of the school will be to promote the efficiency of the aeroplane as a scout in time of war.

In the new navy regulations, which have been received at Mare Island, provision has been made for a systematized effort to make useless the use of airships by a possible enemy, and in the target practice to be held this fall the cruisers will be equipped with special guns, designed to destroy aerial craft. Kite targets are now being put in shape for the tests.

#### Goes On Retired List.

WASHINGTON, September 13.—Rear Admiral Uriah R. Harrie, governor of the Naval Home, Philadelphia, will be placed on the retired list of the navy tomorrow on account of age. He is a native of Indiana and a graduate of the naval academy of the class of 1869. He has served in all parts of the world and has had nearly twenty-two years' service at sea.

Among the vessels on which he has cruised are the Sabine, Ossipee, Earnest, Tuscarora, Yukon, Shenandoah, Ranger, Chicago, Mononkela, Indiana and Wilmington. He was attached to the Naval Observatory from August, 1882, to June, 1884; to the Naval Academy from October, 1890, to August, 1894 and in later years was governor of Olangapo, in the Philippines, and commandant of the naval station at Cavite, P. I. He has been in command of the Philadelphia Naval Home since April, 1910. He reached the grade of rear admiral in January, 1909, and now stands near the top of the list.

The vacancy in the list of active rear admirals caused by his retirement will be filled by the promotion of Captain John M. Bowyer, formerly superintendent of the Naval Academy and now on special duty at the Navy Department.

#### Army and Navy Orders.

WASHINGTON, Sept. 19.—Army orders: Capt. Samuel C. Vestal, First Lieutenant Frances M. Hinkle, Second Lieutenants Charles E. Ide, George F. Moore and Jason McV. Austen, Coast artillery corps, will report to Lieutenant-Colonel John C. Brooks, Coast artillery corps, president of the examining board, at the Presidio of San Francisco for examination for promotion.

Captain Edwin W. Rich, medical corps, in addition to other duties, will assume charge of the medical supply depot, San Francisco, during the absence of Colonel William W. Gray, medical corps.

A board of officers to consist of Major Edwin J. Timberlake, Captains Harry P. Wilbur, Charles A. Clark, Coast artillery corps, First Lieutenant Adam E. Schlanser, medical corps, and First Lieutenant Joseph L. Sanford, medical reserve corps, is appointed to meet at Fort Ruger, Hawaii, for examination of officers of the Coast artillery corps.

Second Lieutenant Frederick A. Price, Jr., Coast artillery corps, will report to Major Edward J. Timberlake, Coast artillery corps, Fort Ruger, Hawaii, for examination for promotion.

First Lieutenant Abel, Fourth Infantry, will proceed to Alcatraz, Cal., for duty, vice First Lieutenant Walter Harvey, Twenty-second Infantry, relieved.

Navy orders: Passed Assistant Surgeon H. L. Kelly is detached from the navy yard, Mare Island, to the Naval Hospital at Norfolk.

Assistant Surgeon R. H. Laning is detached from the Naval Hospital, Mare Island, to duty as instructor of the Naval Medical School, Washington, D. C.

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#### SEALED TENDERS.

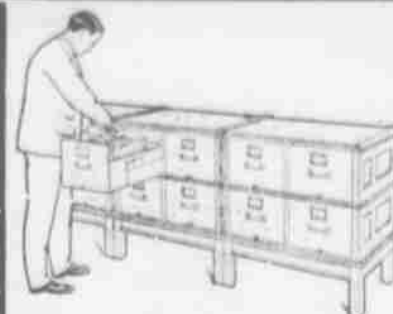
Sealed tenders will be received by the Board of Harbor Commissioners until 2 p. m. of Wednesday, October 4, 1911, for constructing a shed on pier No. 1, at the foot of Richards street, Honolulu.

Plans, specifications and blank proposals are on file in the office of the Superintendent of Public Works, Capitol Building.

The Board of Harbor Commissioners reserves the right to reject any or all tenders.

MARSTON CAMPBELL,

Chairman, Board of Harbor Commissioners.



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